

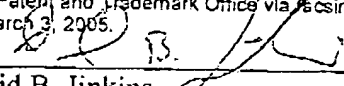
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Ser. No. 09/576989
Atty. Docket No. 56029-4356

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/576,989	Rice et al.	Group No.: 1648
Examiner: Lucas, Zachariah.	Art Unit: 1648	Status of Application: Pending
For: HCV Variants	Atty. Docket No.: 56029-4356	

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Statement of Substance of Interview under 37 C.F.R. § 1.133 (b)

Participants :

- | | |
|---------------------------------------|----------------------|
| 1) Zachariah Lucas | 2) James Housel |
| 3) David B. Jenkins (Reg. No. 46,805) | 4) Charles P. Romano |

Date: February 28, 2005

Type: Telephonic

Exhibit shown: No

Claims Discussed: Pending and Proposed

Art Discussed: US Patent No. 6,630,343 (Bartenschlager)

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Statement of Substance of Interview under 37 C.F.R. § 1.133

Substance of Interview:

Examiners indicated that proposed amendments to Claim 1 and new Claim 90 that respectively specify the mutations of previously pending Claims 14 and 17 as well as the HCV subtype 1b are in condition for allowance. Examiners further indicated that the 35 U.S.C. §102(e) and 35 U.S.C. §102(e) /§103 rejections over the Bartenschlager US Patent No. 6,630,343 could be overcome by the proposed claim amendments alone and that it would not be necessary to enter any antedating affidavit.

With respect to proposed claims directed to "non-human transgenic" organisms, Examiner Housel expressed concern as his Unit does not routinely deal with applications directed to transgenic organisms. Applicant presented arguments that the specification provides ample guidance for obtaining transgenic organisms expressing HCV variant sequences and that transgenic organisms are routinely generated by contract University laboratories. Examiners concluded that examination of claims directed to transgenic organisms would more appropriately be handled by Technology Unit 1632 and recommended that the proposed claims directed to non-human transgenic organisms be submitted as is to obtain a Restriction Requirement. However, Examiners did indicate that they would consider proposed claims in the currently pending application that are directed to isolated host cells engrafted in a host organism.

Respectfully submitted,



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